

<b>Corporate Policies and Procedures</b>			
<b>SECTION:</b> EMPLOYMENT			<b>POLICY #:</b> A-04
<b>POLICY:</b> Ontario Human Rights Code Violation			
<b>DATE:</b> MAY30/01	<b>REV. DATE:</b> OCT2 8/09	<b>COVERAGE:</b> All Employees	<b>PAGE #:</b> 1 of 6

## **POLICY STATEMENT:**

The County of Renfrew recognizes the right of every employee to work in an environment that is free from discrimination and harassment, by the employer, agent of the employer, another employee, or any other person with whom he / she comes into contact in the normal performance of his / her duties. Any such harassment will be regarded as a serious offence and is subject to disciplinary action.

## **DEFINITIONS:**

### **Harassment on the Prohibited Grounds**

Harassment is defined by the *Ontario Human Rights Code* as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, on the following prohibited grounds, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offenses, marital status, family status or disability. This may include any behaviour that is known or ought reasonably to be known to be offensive, embarrassing or humiliating to other individuals and may further include visual representation, electronic messages, written messages, verbal and / or physical conduct.

### **Sexual Harassment**

Sexual harassment may be experienced by men or women. Sexual harassment includes, but is not limited to, the following:

- any deliberate and unsolicited sexual comment, suggestion or physical contact that creates an uncomfortable working environment for the recipient and is made by a person who knows or ought reasonably to know that such action is unwelcome;
- a sexual advance or solicitation made by a person where the person making the advance or solicitation knows or ought reasonably to know that it is unwelcome;
- a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person;

<b>Corporate Policies and Procedures</b>			
<b>SECTION:</b> EMPLOYMENT			<b>POLICY #:</b> A-04
<b>POLICY:</b> Ontario Human Rights Code Violation			
<b>DATE:</b> MAY30/01	<b>REV. DATE:</b> OCT2 8/09	<b>COVERAGE:</b> All Employees	<b>PAGE #:</b> 2 of 6

- unwelcome remarks, jokes, sexual innuendoes, or taunting about a person's body, attire, sex, personal or social life;
- practical jokes of a sexual nature, which cause awkwardness or embarrassment;
- displaying and / or distributing pornographic pictures or other offensive material of a sexual nature, either through printed copy or personal computer;
- leering (suggestive staring) or other gestures;
- unnecessary physical contact such as touching, patting or pinching;
- expressions of gender bias, which may include remarks that are discriminatory, degrading or derogatory and create a poisoned work environment;
- requests for sexual favours; and
- sexual assault.

### **Poisoned Work Environment**

Harassment may also include behaviours, conduct, comments or activities, based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same sex partnership status, family status or disability which are not directed at a specific individual, but nonetheless generate a degrading or offensive work environment for others. Some examples include: displaying of material that is sexually explicit or degrading, racist, ethnic or religious in a degrading or derogatory manner; use of patronizing behaviour or language which reinforces stereotypes and undermines self-respect or adversely affects work performance or work conditions.

<b>Corporate Policies and Procedures</b>			
<b>SECTION:</b> EMPLOYMENT			<b>POLICY #:</b> A-04
<b>POLICY:</b> Ontario Human Rights Code Violation			
<b>DATE:</b> MAY30/01	<b>REV. DATE:</b> OCT2 8/09	<b>COVERAGE:</b> All Employees	<b>PAGE #:</b> 3 of 6

**Harassment does not include:**

- appropriate direction, evaluation, or discipline by a manager or supervisor;
- stress associated with the performance of job duties;
- friendly teasing or bantering that is mutually acceptable; and
- friendly or romantic behaviour that is welcome and mutual.

**PROCEDURES:**

1. The following apply to employees' responsibilities:

(a) any employee who believes he / she is the victim of discrimination or harassment will:

(i) Step 1

politely but firmly inform the offender that his / her conduct is offensive, against corporate policy, and must stop;

(ii) Step 2

record dates, times, the nature of the unwelcome behaviour, names of any witnesses, and the steps taken to stop the problem;

(iii) Step 3

if the offending behaviour continues, report it in writing to a Supervisor / Department Head, who will acknowledge that a complaint has been received; and meet with the employee to determine scope and next steps.

<b>Corporate Policies and Procedures</b>			
<b>SECTION:</b> EMPLOYMENT			<b>POLICY #:</b> A-04
<b>POLICY:</b> Ontario Human Rights Code Violation			
<b>DATE:</b> MAY30/01	<b>REV. DATE:</b> OCT2 8/09	<b>COVERAGE:</b> All Employees	<b>PAGE #:</b> 4 of 6

(iv) Step 4

if no action is taken or the problem is not resolved within a reasonable timeframe [see 2(b)], report the problem to the Director of Human Resources (or designate);

- (b) employees must be aware that when a complaint is lodged, the Director of Human Resources (or designate) conducts an investigation that includes interviews with the complainant, the alleged offender, and any witnesses; and that, depending on the outcome of the investigation, the action may result in disciplinary penalties up to and including discharge, and / or action through the Courts; and
- (c) any complaint made with a malicious intent or in bad faith is regarded as a serious offence and subject to disciplinary action.

2. The following apply to Supervisors' / Department Heads' responsibilities:

- (a) Supervisors / Department Heads are responsible for dealing with any incidents of discrimination or harassment in their area of responsibility that they become aware of, even if an employee has not lodged a formal complaint;
- (b) when a complaint has been submitted in writing, Supervisors / Department Heads shall immediately acknowledge that a complaint has been received, advise the Director of Human Resources or designate, and, within two (2) working days of receipt of a complaint, commence appropriate action, using the utmost discretion to maintain confidentiality and to respect the rights and dignity of all parties involved. This action includes:

(i) Step 1

documenting the case;

(ii) Step 2

interviewing the complainant to obtain all pertinent facts, to ascertain that the complainant has followed procedure 1(a)(i), and to determine if the

<b>Corporate Policies and Procedures</b>			
<b>SECTION:</b> EMPLOYMENT			<b>POLICY #:</b> A-04
<b>POLICY:</b> Ontario Human Rights Code Violation			
<b>DATE:</b> MAY30/01	<b>REV. DATE:</b> OCT2 8/09	<b>COVERAGE:</b> All Employees	<b>PAGE #:</b> 5 of 6

complainant wants a representative (union or non-union) involved (if applicable);

(iii) Step 3

interviewing and informing the alleged offender of the complaint; ensuring that he / she is aware of the contents of this policy including the procedure regarding reprisal / threat of reprisal (Procedure 4(d)) as well as his / her rights under the collective agreement (if applicable);

(iv) Step 4

identifying and utilizing all avenues of immediate resolution or possible resolution;

(v) Step 5

interviewing witnesses, if any; and

(vi) Step 6

in consultation with the Director of Human Resources (or designate), recommending any disciplinary action to be taken.

2. Should a complaint be directed to the position of Chief Administrative Officer or the Human Resources Director the procedures is as follows:

Complaint against the Chief Administrative Officer:

You may present your complaint in an oral and written presentation to the Warden. The Warden will investigate the complaint and then present it to the Finance & Administration Committee and Council as appropriate.

Complaint against the Director of Human Resources:

You may present your complaint in an oral and written presentation to the CAO of the Corporation.

<b>Corporate Policies and Procedures</b>			
<b>SECTION:</b> EMPLOYMENT			<b>POLICY #:</b> A-04
<b>POLICY:</b> Ontario Human Rights Code Violation			
<b>DATE:</b> MAY30/01	<b>REV. DATE:</b> OCT2 8/09	<b>COVERAGE:</b> All Employees	<b>PAGE #:</b> 6 of 6

4. The following apply to disciplinary measures:
- (a) where the investigation concludes that harassment or discriminatory conduct contrary to this policy and / or the *Ontario Human Rights Code* has occurred, the Employer may implement appropriate discipline up to and including discharge from employment in accordance with the Employer's disciplinary policy;
  - (b) the Employer may take whatever remedial action is necessary in order to eliminate the possibility of discriminatory or harassing conduct reoccurring which may include attendance at education or training sessions;
  - (c) other remedial measures appropriate to the circumstances; and,
  - (d) any reprisal or threat of reprisal against an employee making a complaint or participating in the investigation of a complaint is regarded as a serious offence, subject to disciplinary action, and may result in a reprimand, suspension, or dismissal.